



P.B. 5818 - Patentlaan 2
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Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°
01910427.2-2107/US0103758

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

The Scripps Research Institute, et al

COMMUNICATION

The European Patent Office herewith transmits the **supplementary** partial European search report under Rule 46(1) EPC relating to the above-mentioned European patent application.

Copies of the documents cited in the search report are enclosed.

The applicant's attention is drawn to the following:

The search Division informs the applicant that if the European search report is also to cover inventions other than the invention first mentioned in the claims, a further search fee must be paid for each of these inventions, within ONE MONTH after notification of this communication.

If the application has been filed up to 30 June 1999, the search fee in force before 01 July 1999 (EUR 869.--) or the equivalent applicable on the date of payment is payable.

This applies also to the search fees requested under Rule 46(1) EPC.

See also OJ EPO 06/1999, 405.

☐ Additional set(s) of copies of the documents cited in the supplementary European search report is (are) enclosed as well.

S. Polenzani



Note to users of the automatic debiting procedure:

Unless the EPO receives prior instructions to the contrary, the search fee(s) will be debited on the last day of the period for payment. For further details see the Arrangements for the automatic debiting procedure, Supplement to OJ EPO 02/1999.

REGISTERED LETTER

EPO Form 1507.2 (07.99)



European Patent
Office

**SUPPLEMENTARY
PARTIAL EUROPEAN SEARCH REPORT**

Application Number

under Rule 46, paragraph 1 of the European Patent Convention
EP 01 91 0427

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X,P	SHIBATA M ET AL: "ACTIVATED PROTEIN C PROTECTS IN A MURINE MODEL OF FOCAL ISCHEMIC STROKE" SOCIETY FOR NEUROSCIENCE ABSTRACTS, SOCIETY FOR NEUROSCIENCE, US, vol. 26, 5 November 2000 (2000-11-05), page 507 XP002941846 ISSN: 0190-5295 * abstract *	1-3,8	A61K38/48 C12N9/64 A61P25/00
X	EP 0 872 245 A (LILLY CO ELI) 21 October 1998 (1998-10-21) * page 2, line 39 - line 56; claims 1-8 *	1-3,8	
X	EP 0 318 201 A (SCRIPPS CLINIC RES) 31 May 1989 (1989-05-31) * page 6 - page 7; claims 1-6 *	1-3,8	
	--- -/--		
			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
			A61K C12N
LACK OF UNITY OF INVENTION			
The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:			
see sheet B			
The present partial European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims.			
Place of search MUNICH		Date of completion of the search 11 February 2003	Examiner Markopoulos, E
CATEGORY OF CITED DOCUMENTS		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document			

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EPO FORM 1503 03.82 (P04C23)



DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim.	
A	MACKO R F ET AL: "BRAIN-SPECIFIC PROTEIN C ACTIVATION DURING CAROTID ARTERY OCCLUSION IN HUMANS" STROKE, AMERICAN HEART ASSOCIATION, DALLAS TX, US, vol. 30, March 1999 (1999-03), pages 542-545, XP002941847 ISSN: 0039-2499 * abstract * * page 544 *	1-3,8	
T	SHIBATA M ET AL: "ANTI-INFLAMMATORY, ANTITHROMBOTIC, AND NEUROPROTECTIVE EFFECTS OF ACTIVATED PROTEIN C IN A MURINE MODEL OF FOCAL ISCHEMIC STROKE" CIRCULATION, AMERICAN HEART ASSOCIATION, DALLAS, TX, US, vol. 103, April 2001 (2001-04), pages 1799-1805, XP002941848 ISSN: 0009-7322	1-3,8	TECHNICAL FIELDS SEARCHED (Int.Cl.7)



The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. Claims: 1-3,8

Protection of neuronal cells from cell death in a subject having a neuropathological disorder by the use of activated protein C (APC)

2. Claims: 4-6,9

Reduction of inflammation in a subject having a neuropathological disorder by the use of activated protein C (APC)

3. Claims: 7,10

Reduction of inflammation in a subject having an inflammatory vascular disease by the use of activated protein C (APC)

The common concept linking together the independent claims 1, 4, 7-10 is the following: activated protein C is being used in therapy, eg as anti-thrombotic agent in neuropathological disorders or as anti-inflammatory agent.

This common concept is not novel, see patent literature cited.

Hence the application lacks unity within the meaning of Article 82 EPC.

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 01 91 0427

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

11-02-2003

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EPO FORM P0459

For more details about this annex : see Official Journal of the European Patent Office, No. 12/82

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